REMARKS

A. Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the position that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the amendments to the claims, the attached Declaration and the following remarks.

B. Claim Status

Claims 1-3, 7-9 and 14-20 are presented for further prosecution.

Claims 4-6 and 10-12 which recite the (L* a* b*) measurement method have been cancelled.

C. Claim Rejections

Claims 1-12 and 14-20 had been rejected as being unpatentable over either Nishijima '101 (EP 1278101), Nishijima '649 (U.S. 6,699,649) or PS '266 (GB 1543266) in view of Yoshioka (U.S. 6,413,712). Claims 1-12 and 14-20 had also been rejected as being unpatentable over Oya (U.S. 6,376,166) in view of Yoshioka.

Applicant had previously submitted Declarations dated December 21, 2004, January 18, 2006, and August 2, 2006 to demonstrate the surprising and unexpected results that are obtained from the combination of the claimed reducing agent of Formula (A-1), the reducing agent of Formula (A-3) and the compound of Formula (A-4).

In the current Office Action, the Examiner criticized the previous Declarations on three grounds. First, the Examiner stated that the Declarations do not contain comparative data. Second, the Examiner stated that the Declarations fail to state whether the minimum density was plotted to determine the regression line. Third, the Examiner stated that the Declarations do not demonstrate the criticality of the 0.998-1.000 R^2 range of the claimed invention. Applicant will address these issues in turn.

1. Comparative Data

The August 2006 Declaration did contain comparative data. For example, the Table attached to the August 2006 Declaration presented comparative results between Comparative Sample G and Inventive Sample H. This Table demonstrated that Inventive Sample H (having a reducing agent of Formula (A-1), a reducing agent of Formula (A-3) and a compound of Formula (A-4)) had superior anatomical and physical evaluation results compared to

12

Comparative Sample G (having a reducing agent of Formula (A-1) and a reducing agent of Formula (A-3), but no compound of Formula (A-4)). Thus, the August 2006 Declaration did in fact present comparative data.

In any event, Applicant has performed additional tests to present more comparative data. These tests are presented in the enclosed Declaration of Mr. Yanagisawa. Although the Declaration is presently unexecuted, the information contained therein originated with Mr. Yanagisawa and is therefore entirely reliable. An executed copy of the Declaration will be provided as soon as possible. In the meantime, the Examiner is requested to consider the data in the Declaration to advance prosecution.

Mr. Yanagisawa prepared Samples A, B, I, J, K, and L using sample 110 of Nishijima '649 as a starting point. The compositions of Samples A, B, I, J, K, and L are described in sections 3 through 8 of the Declaration. In summary, the compositions of Samples A, B, I, J, K, and L are:

	Reducing Agent of Formula (A-1)	Reducing Agent of Formula (A-3)	Compound of Formula (A-4)
Comparative Sample A	Yes	-	-
Inventive Sample B	Yes	Yes	Yes
Comparative Sample I	-	Yes	Yes
Comparative Sample J	Yes	-	Yes
Comparative Sample K	Yes	Yes	-
Inventive Sample L	Yes	Yes	Yes

Mr. Yanagisawa exposed and developed Samples A, B, I, J, K, and L, calculated the coefficients of determination R^2 (plotted without the minimum density) and R^{2*} (plotted with the minimum density) using a regression line plotted with color coordinates u* and v*, and anatomically and physically evaluated Samples A, B, I, J, K, and L as described in section 9 of the Declaration. The evaluation results are shown in the Table attached to the Declaration.

As shown in the attached Table, Inventive Samples B and L (which have a reducing agent of Formula (A-1), a reducing agent of Formula (A-3), and a compound of Formula (A-4)) received higher anatomical results and higher physical evaluation results compared to Comparative Samples A, I, J, and K (which do not fall within the scope of the claimed invention). Thus, the attached Table demonstrates that a superior image is formed by

14

employing a combination of a reducing agent of Formula (A-1), a reducing agent of Formula (A-3) and a compound of Formula (A-4).

Mr. Yanagisawa declared in section 11 of the Declaration that he believes that the results shown in the Table attached to the Declaration are surprising and unexpected to those of skill in the art, because the cited references do not teach or suggest that a superior image is produced by employing a combination of a reducing agent of Formula (A-1), a reducing agent of Formula (A-3) and a compound of Formula (A-4).

The Table attached to the Declaration also demonstrates that Inventive Samples B and L have a coefficient of determination R^2 within the 0.998-1.000 range claimed in the present application, while Comparative Samples A, I, J, and K have a coefficient of determination R^2 outside the claimed range. The data in the Table attached to the Declaration demonstrates that Inventive Samples B and L have superior anatomical and physical evaluation results compared to Comparative Samples A, I, J, and K.

Mr. Yanagisawa declared in section 13 of the Declaration that he believes that those of skill in the art would be surprised and find the results in the attached Table to be unexpected, because the cited references do not teach or suggest the criticality of the 0.998-1.000 coefficients of determination R^2 claimed in the present application.

15

Applicant therefore respectfully submits that the claimed invention is not obvious based on the teachings of the cited references taken alone or in combination.

2. The u*,v* and a*,b* plots

The Examiner recognized that claims 1, 4, 6, and 10 recite plotting the coordinates u*,v* or a*,b* with or without using a minimum density. The Examiner criticized the previous Declarations for failing to show results within the scopes of each coordinate system.

The enclosed Declaration plots regression lines employing the L*u*v* method using the coefficient of determination R^2 plotted with and without the minimum density. Thus, the Declaration data is commensurate in scope with claims 1 and 7.

Applicant has cancelled claims 4-6 and 10-12 which recite the L*a*b* method.

It is therefore believed that the Declaration data in commensurate in scope with all of the pending claims.

3. The criticality of the 0.998-1.000 R^2 range

The Examiner criticized the previous Declarations for failing to show the criticality of the 0.998-1.000 R^2 range.

The maximum value of R^2 is 1.000. Thus, it is not possible to present test data that has a R^2 value of greater than 1.000.

16

The enclosed Declaration of Mr. Yanagisawa demonstrates the criticality of the 0.998 lower limit of the claimed R^2 range. For example, Inventive Sample L has an R^2 value of 0.998, while Comparative Sample J has an R^2 value of 0.924 and 0.921. The Table attached to the enclosed Declaration demonstrates that Inventive Sample L had superior anatomical and physical evaluation results compared to Comparative Sample J.

Applicant therefore respectfully submits that the criticality of the 0.998 lower limit of the R^2 range has been demonstrated.

D. Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are

hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: _Donald C Lucas_
Donald C. Lucas, 31,275
Attorney for Applicant(s)
475 Park Avenue South, 15th Floor
New York, NY 10016
Tel. # 212-661-8000

Encl: Unexecuted Declaration of Hiroyuki Yanagisawa